

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE SCHERING-PLOUGH:
CORPORATION/ ENHANCE:
SECURITIES LITIGATION

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 8-397 (DMC)(JAD)

DENNIS M. CAVANAUGH, U.S.D.J.

This matter having come before the Court on the Defendants' Motions for Summary Judgment (ECF Nos. 269 and 273), and the Court having considered the submissions of the parties, and for the reasons stated herein;

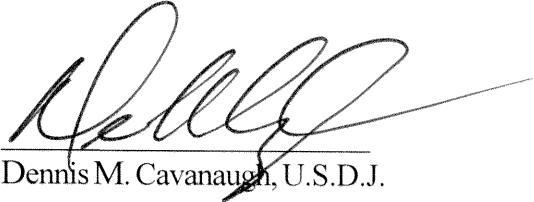
WHEREAS Summary judgment is granted only if all probative materials of record, viewed with all inferences in favor of the non-moving party, demonstrate that there is no genuine issue of material fact and that the movant is entitled to judgment as a matter of law. See FED. R. CIV. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 330 (1986);

WHEREAS genuine issues of material fact do exist in this case, including but not necessarily limited to whether Defendants' January 14, 2008 disclosure "cured" the alleged fraud and whether subsequent disclosures revealed further details of the alleged fraud;

WHEREAS these disputes present complicated questions of fact, and based on this Court's experience, are the type of disputes best resolved at trial;

IT IS on this 25 day of September, 2012;

ORDERED that the Motions for Summary Judgment are **denied**.



Dennis M. Cavanaugh, U.S.D.J.

Orig.: Clerk
cc: All Counsel of Record
Hon. Joseph A. Dickson, U.S.M.J.
File